

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE CLUB IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT LOCATED ON A TRACT OF LAND SITUATED IN THE WILLIAM BROWN SURVEY, ABSTRACT NO. 66, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, CONTAINING 1.753 ACRES MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that the Comprehensive Zoning Ordinance No. 93-07-11 should be amended and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Outback Steakhouse ("Applicant"), to allow a Specific Use Permit for a Private Club in conjunction with the operation of a restaurant on a tract of land zoned Highway District (H). The tract of land is situated in the William Brown Survey, Abstract No. 66, in the City of Frisco, Collin County, Texas ("Frisco"), containing 1.753 acres more or less, and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to Frisco's Comprehensive Zoning Ordinance No. 93-07-11 and any amendments thereto, and has further agreed to comply with the additional restrictions set forth herein and the attached site plan; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit, and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Permit Granted. Applicant is granted a Specific Use Permit to allow the operation of a Private Club in conjunction with the operation of a restaurant on a tract

of land zoned Highway District (H). The tract of land is situated in the William Brown Survey, Abstract No. 66, in the City of Frisco, Collin County, Texas, containing 1.753 acres more or less and being particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes. The site shall be developed in compliance with the conditions expressly stated in the site plan attached hereto as Exhibit "B", and incorporated herein for all purposes as set forth verbatim with the following provision:

1. The exterior facade of the main building must be constructed of a minimum of twenty five percent (25%) natural stone.

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be complied with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance, or Frisco's Comprehensive Zoning Ordinance No. 93-07-11, as it exists or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the person named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted;
2. The building, premise, or land used under a Specific Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
3. Violation of any provision of the terms or conditions of this Specific Use Permit;
4. Ad valorem taxes on the property are delinquent by more than six (6) months; or
5. The Specific Use Permit was obtained by fraud or with deception.

SECTION 5: Compliance/Specific Use Permit Effective Date. The Applicant shall comply with all terms and conditions of the ordinances of Frisco, including but not limited to, Frisco Comprehensive Ordinance No. 93-07-11, as it exists or may be amended. Applicant shall, in the operation of the private club, further comply with the restrictions set forth herein. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable Ordinances.

SECTION 7: Penalty. Any person, firm or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 93-07-11, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Conflicting Ordinance. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
KATHLEEN A. SEEL, Mayor

ATTESTED AND CORRECTLY  
RECORDED:

APPROVED AS TO FORM:

\_\_\_\_\_  
NAN PARKER, City Secretary

\_\_\_\_\_  
ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.  
RICHARD M. ABERNATHY  
City Attorney

DATE OF PUBLICATION: \_\_\_\_\_, FRISCO ENTERPRISE

## **EXHIBIT A**

### **OUTBACK STEAKHOUSE LEGAL DESCRIPTION 1.753 ACRE TRACT**

BEING all of Lot 11 of the Conveyance Plat of Lots 1 - 16, Block A of the GEORGE MIXON ADDITION to the City of Frisco, Collin County, Texas according to the plat thereof recorded in Cabinet M, at Page 100 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the northwesterly line of the reservation for right-of-way purposes, said point being the south corner of said Lot 11, Block A, and the east corner of Lot 10, Block A, from which a 5/8 inch iron rod found bears north 77-3/4 degrees west a distance of 0.15 feet;

THENCE, north 26 degrees 54 minutes 38 seconds west with the common line between Lots 10, and 11 of Block A, a distance of 265.61 feet to a 5/8 inch iron rod found in the southerly line of Lot 9, Block A, for the north corner of Lot 10, and a westerly corner of Lot 11;

THENCE, with the common line between Lots 9, and 11, Block A the following two courses and distances:

1. north 49 degrees 49 minutes 44 seconds east a distance of 47.37 feet to a 5/8 inch iron rod found;
2. north 15 degrees 29 minutes 19 seconds west a distance of 47.96 feet to a 5/8 inch iron rod found in the southerly right-of-way line of Stone Crest Road (60 foot right-of-way) for the beginning of a curve concave to the north having a radius of 455.00 feet, a central angle of 18 degrees 58 minutes 32 seconds, and a chord that bears north 72 degrees 25 minutes 36 seconds east a distance of 150.00 feet;

THENCE, in a northeasterly direction with the southerly right-of-way line of said Stone Crest Road and with the arc of said curve a distance of 150.69 feet to a 5/8 inch iron rod found for the point of tangency;

THENCE, north 62 degrees 56 minutes 20 seconds east continuing with the southeasterly right-of-way line of Stone Crest Road, a distance of 40.00 feet to a 5/8 inch iron rod found for the north corner of Lot 11, and the west corner of Lot 12, Block A;

THENCE, south 27 degrees 03 minutes 40 seconds east with the common line between Lots 11, and 12, Block A, a distance of 330.41 feet to a 5/8 inch iron rod found in the northwesterly line of the aforementioned reservation for right-of-way purposes said point being the east corner of Lot 11, and the south corner of Lot 12, Block A, and the same being the beginning of a curve concave to the north having a radius of 2,816.79 feet, a central angle of 2 degrees 07 minutes 37 seconds, and a chord that bears south 70 degrees 55 minutes 24 seconds west a distance of 104.56 feet;

THENCE, in a southwesterly direction with the northwesterly line of said reservation for right-of-way purposes, and with the arc of said curve a distance of 104.57 feet to a 5/8 inch iron rod found for the point of tangency;

THENCE, north 71 degrees 59 minutes 13 seconds west continuing with the reservation for right-of-way purposes a distance of 101.29 feet to a 1/2 inch iron rod found with a cap stamped "N. P. M.";

THENCE, north 64 degrees 49 minutes 06 seconds west continuing with the reservation for right-of-way purposes a distance of 40.85 feet to the POINT OF BEGINNING.

Containing a computed area of 1.753 acres of land.